



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466

SDMS Document ID



2003634

ACCESS AGREEMENT

PROPERTY:

HOWARD LARRY D & MAE E
3400 JACKSON ST
DENVER, CO 80205

I will allow Environmental Protection Agency (EPA) staff and EPA's authorized representatives to have access to my property identified above for the purpose of collecting soil samples. I understand that this service is provided at no cost to me.

I understand that this soil testing is part of an investigation of possible metals contamination in soils in the north Denver area. EPA is conducting this investigation as part of its responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, a law also referred to as "Superfund".

LARRY D. HOWARD
Print Name

Larry D Howard
Signature

7/26/99
Date

(303) 683-2215
Phone Number

Please check the following if applicable:

☐ I would like EPA to provide me with a portion of the sample, called a "split sample," that I may have analyzed at my own expense.

If you have any questions, please contact Ted Fellman at (303) 312-6119, or Marta Valentine from the Morrison Knudsen Corporation (EPA's contractor) at (303) 948-4693.

Your Comments:

PLEASE SIGN AND RETURN THIS ACCESS AGREEMENT TO OUR CONTRACTOR IN THE ENCLOSED PREPAID ENVELOPE. Soil sampling will take about 1 hour. The owner or resident need not be present. If you would like to be notified when we plan to sample your property, please state so in the Comments section and provide your phone number. Also, pet owners are asked to provide a phone number so that if necessary we may schedule the sampling at a time when the pet will be indoors or restrained. Thank you for participating in this important study of your neighborhood.

NOTE: If you are not the current property owner, and you are not a renter who wishes to forward this request to the owner, please state so in the Comments section and return this agreement unsigned.

08/06/99 ak

E-781

8/28/01

Enforcement Confidential - Deliberative

Libby Asbestos Town Meeting Enforcement Q & As

Q What is the status of EPA's enforcement efforts?

A There are several parts to EPA's enforcement

1) cost recovery case - EPA filed a complaint in March 2001 for investigation and cleanup costs spent up to that point and for future costs of cleanup,

2) access case - EPA is negotiating a settlement with Grace regarding the civil penalties in connection with the access case we won in March 2001, and

3) bankruptcy - Grace filed for Chapter 11 bankruptcy in April 2001 to resolve its asbestos liability

[**Note** It would not be appropriate to discuss matters related to the ongoing litigation -- or any other enforcement sensitive issues]

Q Will the Grace bankruptcy reduce the level of cleanup in Libby?

A The bankruptcy affects the funds that might be available from Grace for cleanup, and it will be up to the bankruptcy court to make that final decision. However, that is why we are continuing to address the Libby Site under the Federal Superfund program, we do not want to delay any cleanup actions while the bankruptcy court process is underway

Q Why can't EPA just order Grace to do more cleanup actions?

A Since Grace filed for bankruptcy we now need to work with the bankruptcy court, along with various other parties, to resolve Grace's asbestos liability. The bankruptcy court process is just getting started and will not be resolved quickly. That is why we are continuing to address the Libby Site under the Federal Superfund program, we do not want to delay any cleanup actions while the bankruptcy court process is underway

Q The citizen's feel that Grace's behavior at Libby has been bad, what is your experience?

A We certainly have had serious issues with Grace in the past. Still, we want to look ahead, not backward

Q Does EPA plan to pursue residential and local businesses that contaminated their properties inadvertently with the vermiculite contaminated with asbestos?

A No. EPA does not plan to pursue property owners for our cleanup costs if they did not have knowledge of the asbestos contamination and did not profit from Grace's activities

Q Is EPA willing to put this assurance in writing?

A Yes